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EXAMINER	
JONES, HEATHER RAE	

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/532,260	YAMAKI ET AL.	
	Examiner	Art Unit	
	HEATHER R. JONES	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22,29 and 30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22,29 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/21/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 29 and 30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 29 and 30 define a computer program embodying functional descriptive material. However, the claim does not define a non-transitory computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). That is, the scope of the presently claimed computer program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. In the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation; the scope of a "computer readable medium" covers a signal per se. In order to overcome the 101, the "computer program" should be changed to "non-transitory computer readable medium".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-22, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's Admitted Prior Art (U.S. Patent Applicant Publication 2006/0053249) (herein referred to as AAPA).

Regarding claim **1**, AAPA discloses an information recording and reproduction processing apparatus that executes data recording and reproduction processing, comprising: storing means for data recording (Fig. 1 – reference character "142"); a recording control process execution unit that generates reproduction management information including at least data recording end position information and executes data recording control for the storing means (Fig. 2 – reference characters "205" and "206"; Fig. 2 – reference characters "205" and "206"); and a reproduction control process execution unit that executes reproduction control processing for data, which is read out from the storing means, on the basis of the reproduction management information, the recording control process execution unit being operable to generate reproduction synchronization management information indicating that recording of data is in progress, to associate the reproduction synchronization management information with the reproduction management information (paragraphs [0020]-[0028]), and

the reproduction control process execution unit being operable to extract reproduction management information corresponding to reproduction data, to retrieve reproduction synchronization management information based upon the extracted reproduction management information, to judge whether data is being recorded on the basis of the presence or absence of the retrieved reproduction synchronization management information, and to execute data reproduction control according to a result of the judgment (paragraphs [0031]). However, AAPA fails to disclose to record the reproduction synchronization management information in a directory that is automatically erased.

Official Notice is taken that it is well known in the art to automatically erase unnecessary or temporary files upon powering on your device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically erase unwanted files in order to provide a clean version of the operating system upon powering on the device.

Furthermore, the reproduction synchronization management information would fall into this category and therefore would be erased, especially if the reproduction of the data had been completed.

Regarding claim **2**, AAPA discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the recording control process execution unit is operable to store the reproduction synchronization management information in a volatile memory.

Official Notice is taken that it is well known in the art to store the reproduction synchronization management information in a volatile memory since the volatile memory needs power to maintain the stored information whereas the non-volatile is used for storing information that the user wants to keep stored. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the management data on a volatile memory so that each time the device is powered on the memory has been erased and more critical information in the non-volatile memory the user wants to keep stored.

Regarding claim **3**, AAPA discloses all the limitations as previously discussed with respect to claim 1, including that the recording control process execution unit is operable to set a reproduction synchronization management information name in the reproduction synchronization management information as a file name that can be identified uniquely from a reproduction management information name, and the reproduction control process execution unit is operable to specify the reproduction synchronization management information name on the basis of the reproduction management information name and to retrieve processing reproduction synchronization management information on the basis of the reproduction synchronization management information name (Figs. 2 and 3 – as can be seen from these figures each file has a unique name).

Regarding claim **4**, AAPA discloses all the limitations as previously discussed with respect to claim 1, including that the information recording and

reproduction processing apparatus has an upper layer process execution unit that executes setting processing for the recording control process, the recording control process execution unit is operable to generate an identifier (ID) with which the reproduction management information can be identified uniquely and to output the identifier to an upper process execution unit, the upper layer process execution unit is operable to store the identifier (ID) in a storage unit and to manage the identifier, and the reproduction control process execution unit is operable to input the identifier (ID) from the upper process execution unit and to acquire the reproduction management information on the basis of the identifier (ID) (Figs. 2 and 3 – as can be seen from these figures each file has a unique name; paragraphs [0030] and [0031]).

Regarding claim **5**, AAPA discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the storing means includes a nonvolatile memory, and the recording control process execution unit is operable to data to be an object of reproduction to the nonvolatile memory and to store the reproduction synchronization management information in a volatile memory different from the storing means.

Official Notice is taken that it is well known in the art to store the reproduction synchronization management information in a volatile memory since the volatile memory needs power to maintain the stored information whereas the non-volatile is used for storing information that the user wants to keep stored. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to store the management data on a volatile memory so that each time the device is powered on the memory has been erased and more critical information in the non-volatile memory the user wants to keep stored.

Regarding claim **6**, AAPA discloses all the limitations as previously discussed with respect to claim 1, including that when reproduction synchronization management information is detected, the reproduction control processing execution unit is operable to judge that data recording is in progress, and to execute control for reproduction processing while confirming an update state of a recording end position in the reproduction management information, and when a reproduction position reaches the recording end position in the reproduction management information, the reproduction control process execution unit is operable to perform a reproduction suspension process (paragraphs [0031]).

Regarding claim **7**, AAPA discloses all the limitations as previously discussed with respect to claim 1, including that when reproduction synchronization management information is not detected, the reproduction control process execution unit is operable to judge that data recording is not in progress, and to execute reproduction control for data as recorded data, and when a reproduction position reaches a recording end position in the reproduction management information, the reproduction control process

execution unit is operable to shift to a reproduction ending process (paragraphs [0031]).

Regarding claim **8**, AAPA discloses all the limitations as previously discussed with respect to claim 1, including that when reproduction synchronization management information is detected, the reproduction control process execution unit is operable to periodically verify the presence or absence of the reproduction synchronization management information, when the reproduction synchronization management information is erased, the reproduction control process execution unit is operable to execute reproduction control for data as recorded data, and when a reproduction position reaches a recording end position in the reproduction management information, the reproduction control process execution unit is operable to for shift to a reproduction ending process (paragraphs [0020]-[0028]).

Regarding claim **9**, AAPA discloses an information recording and reproduction processing apparatus that executes data recording and reproduction processing, comprising: storing means for data recording (Fig. 1 – reference character "142"); a recording control process execution unit that generates reproduction management information including at least data recording end position information and executes data recording control for the storing means Fig. 2 – reference characters "205" and "206"; Fig. 2 – reference characters "205" and "206"); and a reproduction control process execution unit that executes reproduction control processing for data, which is read out from the

storing means, on the basis of the reproduction management information paragraphs [0020]-[0028]), the recording control process execution unit being operable to generate reproduction synchronization management information indicating that recording of data is in progress and recording management information having link information for the reproduction synchronization management information, to store the reproduction synchronization management information and the recording management information in storing means (paragraphs [0020]-[0028]), to retrieve recording management information including link information (paragraph [0031]), and the reproduction control process execution unit being operable to extract reproduction management information corresponding to reproduction data, to retrieve reproduction synchronization management information based upon the extracted reproduction management information, to judge whether data is being recorded on the basis of the presence or absence of the retrieved reproduction synchronization management information, and to execute data reproduction control according to a result of the judgment (paragraph [0031]). However, AAPA fails to disclose to extract and erase reproduction synchronization management information on the basis of the retrieved link information, and to erase retrieved recording management information.

Official Notice is taken that it is well known in the art to automatically erase unnecessary or temporary files upon powering on your device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to automatically erase unwanted files in order to provide a clean version of the operating system upon powering on the device.

Furthermore, the reproduction synchronization management information would fall into this category and therefore would be erased, especially if the reproduction of the data had been completed.

Regarding claim **10**, grounds for rejecting claim 5 applies to claim 10 in its entirety.

Regarding claim **11**, grounds for rejecting claim 3 applies to claim 11 in its entirety.

Regarding claim **12**, grounds for rejecting claim 4 applies to claim 12 in its entirety.

Regarding claim **13**, grounds for rejecting claim 6 applies to claim 13 in its entirety.

Regarding claim **14**, grounds for rejecting claim 7 applies to claim 14 in its entirety.

Regarding claim **15**, grounds for rejecting claim 8 applies to claim 15 in its entirety.

Regarding claims **16-19**, these are method claims corresponding to the apparatus claims 1-4. Therefore, claims 16-19 are analyzed and rejected as previously discussed with respect to claims 1-4.

Regarding claims **20-22**, these are method claims corresponding to the apparatus claims 9-12. Therefore, claims 20-22 are analyzed and rejected as previously discussed with respect to claims 9-12.

Regarding claim **29**, this is a program claim corresponding to the apparatus claim 1. Therefore, claim 29 are analyzed and rejected as previously discussed with respect to claim 1.

Regarding claim **30**, this is a program claim corresponding to the apparatus claim 9. Therefore, claim 30 are analyzed and rejected as previously discussed with respect to claim 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
February 27, 2010

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621